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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,743	03/22/2001	Nikko Strom	TEL-021	6534

24488 7590 09/29/2004

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EXAMINER

ABEBE, DANIEL DEMELASH

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,743

Applicant(s)

STROM ET AL.

Examiner

Daniel D Abebe

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 37-44 is/are allowed.
- 6) ☒ Claim(s) 1,5,6,10,11,19,20,22-25 and 28-36 is/are rejected.
- 7) ☒ Claim(s) 2-4, 7-9, 12-18, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 6, 10 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ruber (6,128,595).

As to claims 1 and 6, Ruber teaches a method for determining data/grammar resulted from one or more attributes or sequence of attributes, comprising:

Deriving sequences of attributes from a given data/grammar;

Determining a weighting value (from a speech recognition) and a probability for each sequence to be uttered; and

Determining an average probability (reliability measure) for the given data from the probability values (Col2, line 1-.30; line 50-Col.3, line 5; Fig.1).

As to claims 5 and 10, its inherent that the attributes for each data are derived from utterance statistics.

Claim 19 is analogous to claims 1 and 6 and is rejected for the foregoing reasons.

Claim Rejections - 35 USC § 103

Art Unit: 2655

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 20, 22-25 and 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamazaki (JP 06-266385), and further in view of Ruber.

As to claim 11, Hamazaki teaches a method comprising the steps of:

Determining for a speech input a correct score in a dictionary and storing it;

Inputting the speech and generating a score for the speech input;

Collating the two scores; and

"Adjusting" the dictionary based on the collating result (abstract).

Hamazaki doesn't explicitly teach where the dictionary comprises grammar options. However, Ruber teaches grammar options in a speech recognition system. Therefore it would be obvious to one of ordinary skill in the art to include grammar option in Hamazaki teaching in order to address grammars having similar concept but different sequences of words.

Claims 20, 22-25 and 28-32 are analogous to claim 11 and are rejected by Hamazaki for the foregoing reasons.

As to claims 33-36, the step of iterating the process for adjusting the dictionary is inherent in Hamazaki's teaching.

Allowable Subject Matter

Claims 21 and 37-44 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claims 37-44, the prior arts of record do not teach receiving a phone application grammar over a network from a remote computer and tuning the grammar as recited in the claims.

As to claim 21, Ruber doesn't teach applying an ASR to obtain an n-best list and storing the highest score for the particular grammar option.

Claims 2-4, 7-9, 12-18, 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

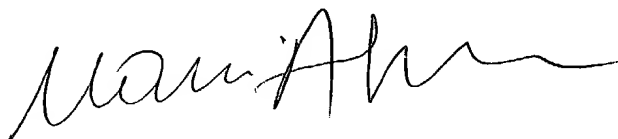
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D Abebe whose telephone number is 703-308-5543. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2655

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Abebe, Primary Examiner A.U. 2655

A handwritten signature in black ink, appearing to read 'Daniel Abebe', with a stylized, flowing script.

9/27/2004